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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,457	12/14/2000	Bejeet Singh Baweja	AUS920000783US1	1937

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EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2643

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DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/737,457

Applicant(s)

BAWEJA ET AL.

Examiner

Alexander Jamal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☒ Claim(s) 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. **Claim 21** is objected to because it includes reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 2,3,5-9** recite the limitation “The intelligent telephone notification system” of claim 1. There is insufficient antecedent basis for this limitation in the claim.
4. **Claim 4** recites the limitation “The intelligent telephone notification system” of claim 3. There is insufficient antecedent basis for this limitation in the claim.
5. **Claim 22** recites the limitation “The program storage device” of claim 22. There is insufficient antecedent basis for this limitation in the claim.
6. **Claim 23** recites the limitation “The program storage device” of claim 23. There is insufficient antecedent basis for this limitation in the claim.

Examiner assumes both claims **22,23** were referring to “The program storage device” of claim 21.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-5, 9-11, 14** rejected under 35 U.S.C. 102(e) as being anticipated by Veschi (6122366).

a. **Claim 1:** Veschi discloses an intelligent telephone notification method comprising:

- i. Sampling ambient conditions (Abstract)
- ii. Detecting an event requiring notification (a telephone call) (Abstract)
- iii. Automatically providing the event notification responsively to the sampled ambient conditions (Abstract).

b. **Claim 2:** The event comprises an incoming telephone call (Abstract)

c. **Claim 3:** The system may sample noise levels (abstract, sensor 503 Figs. 5,6)

d. **Claim 4:** The system may select a ringer volume level responsive to sampled ambient noise (Col 3 lines 32-52)

e. **Claim 5:** The system provides a menu to select a response based on ambient conditions (Col 4 lines 23-36,50-65)

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- f. **Claim 9:** The system samples ambient noise and produces a ring having a greater volume than the ambient noise (Col 3 lines 32-52)
- g. **Claim 10:** Veschi discloses an intelligent telephone notification method comprising:
 - i. Detecting an event requiring notification (a telephone call) (Abstract)
 - ii. Sampling (electronically measuring) ambient conditions (Abstract)
 - iii. Automatically providing the event notification responsively to the sampled ambient conditions (Abstract).
- h. **Claim 11:** The event comprises an incoming telephone call (Abstract).
- i. **Claim 14:** The system samples ambient noise and produces a ring having a greater volume than the ambient noise (Col 3 lines 32-52)

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. **Claims 6-8** rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi (6122366) as applied to claim 1 above, and further in view of Cuddy (6246761).

a. **Claim 6:** Veschi discloses applicant's claim 1, and further discloses using a sound sensor on the telephone to sample ambient condition (Col 3 lines 32-52).

However Veschi does not disclose that the sound sensor is a microphone.

Cuddy teaches an automatic ringer volume control for a telephone comprising a microphone as a sound sensor (Col 4 lines 18-30). It would have been obvious to one of ordinary skill in the art at the time of this application to use a telephone microphone in Veschi's system for the purpose of sampling the ambient conditions.

In addition, Cuddy teaches an automatic ringer volume control for a telephone that may also vary the tone of the ringer in response to detecting the ambient environment (such as when the phone is muffled inside a pocket) (Col 3 line 55 to Col 4 line 30) using a telephone microphone. It would have been obvious to one of ordinary skill in the art at the time of this application to implement Cuddy's additional detection methods for the purpose of sampling the ambient conditions and varying the ringer tone to more effectively allow the user to hear the telephone ringer alert regardless of a possible 'muffled' location of the telephone.

b. **Claim 7:** Cuddy's device samples the ambient conditions in response to detecting a notification event (incoming phone call) (Col 4 line 60 to Col 5 line 15) (Col 7 lines 50-65).

c. **Claim 8:** Cuddy's device will sample ambient conditions at selected times t_0 and t_1 (CUDDY: Col 7 lines 50-65). In addition, Veschi's system will sample the ambient noise level at times determined by the user through the menu system (VESCHI: Col 4 lines 23-36,50-65) regardless of an incoming phone call. In addition, both Veschi and Cuddy implement a sensing system using a DSP. In that sense the ambient conditions are sampled at selected time intervals (the sampling rate of the DSP and A/D converters).

4. **Claims 12,13,15** rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi (6122366) as applied to claims 10,11 above, and further in view of Cuddy (6246761).

a. **Claim 12:** Veschi discloses applicant's claims 10,11. However Veschi does not disclose sampling ambient noise in response to detecting a phone call.

Cuddy teaches an automatic ringer volume control for a telephone that may also vary the tone of the ringer in response to detecting the ambient environment (such as when the phone is muffled inside a pocket) (Col 3 line 55 to Col 4 line 30) using a telephone microphone. He teaches measuring the ambient noise in response to an incoming telephone call at time t_0 - t_1 , and then further sensing the environment at time t_1 by measuring frequency characteristics of the environment with the output ring tones

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(Col 7 lines 50-65) (Col 4 line 60 to Col 5 line 38). It would have been obvious to one of ordinary skill in the art at the time of this application to implement Cuddy's additional detection methods for the purpose of sampling the ambient conditions and varying the ringer tone to more effectively allow the user to hear the telephone ringer alert regardless of a possible 'muffled' location of the telephone.

b. **Claim 13:** Cuddy's device will sample ambient conditions at selected time interval t_0-t_1) (CUDDY: Col 7 lines 50-65). In addition, Veschi's system will sample the ambient noise level at times determined by the user through the menu system (VESCHI: Col 4 lines 23-36,50-65) regardless of an incoming phone call. In addition, both Veschi and Cuddy implement a sensing system using a DSP. In that sense the ambient conditions are sampled at selected time intervals (the sampling rate of the DSP and A/D converters) that may be prior to an incoming call.

c. **Claim 15:** Cuddy's system uses a predefined notification signal for ambient conditions (Col 5 lines 38-67) (Col 7 lines 16-65).

5. **Claims 16-26** rejected under 35 U.S.C. 103(a) as being unpatentable over Veschi (6122366), and further in view of Cuddy (6246761).

a. **Claim 16:** Veschi discloses an intelligent telephone notification system comprising:

- i. A telephone (Abstract)
- ii. A sound sensor for the telephone (Col 3 lines 32-52)

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- iii. A telephone ringer 113 (Figs. 5, 6)
- iv. A sampling circuit to sample ambient noise using the sound sensor (transducer) (Col 4 lines 36-65).
- v. A controller is inherent to the system for the purpose of controlling the volume of the ringer (Col 3 lines 33-53)

However Veschi does not disclose that the sound sensor is a microphone.

Cuddy teaches an automatic ringer volume control for a telephone comprising a microphone as a sound sensor (Col 4 lines 18-30). It would have been obvious to one of ordinary skill in the art at the time of this application to use a telephone microphone in Veschi's system for the purpose of sampling the ambient conditions.

In addition, Cuddy teaches an automatic ringer volume control for a telephone that may also vary the tone of the ringer in response to detecting the ambient environment (such as when the phone is muffled inside a pocket) (Col 3 line 55 to Col 4 line 30) using a telephone microphone. It would have been obvious to one of ordinary skill in the art at the time of this application to implement Cuddy's additional detection methods for the purpose of sampling the ambient conditions and varying the ringer tone to more effectively allow the user to hear the telephone ringer alert regardless of a possible 'muffled' location of the telephone.

- b. **Claim 17:** Veschi's system provides a menu to allow a user to select ringer characteristics based on anticipated ambient conditions (Col 4 lines 23-36,50-65).
- c. **Claim 18:** Veschi's system comprises changing the volume of the ringer (Col 3 lines 33-53).
- d. **Claim 19:** Cuddy's system varies the tone of the ringer (Col 3 line 55 to Col 4 line 18).
- e. **Claim 20:** Cuddy's system can detect an incoming call (Col 4 line 64 to Col 5 line 16).
- f. **Claim 21:** Cuddy's system comprises a control to initiate the sampling of ambient noise responsive to detecting an incoming call (Col 4 line 64 to Col 5 line 15, Col 7 lines 50-65). Both Cuddy's (Col 4 lines 60-67) and Veschi's (Col 4 lines 50-65) systems comprise DSP's to detect a notification event, measure an ambient condition, and adjust the notification responsive to the measured ambient conditions. The DSP's inherent comprise program storage devices with machine executable instructions to perform said steps for the purpose of storing the code for use by the DSP's
- g. **Claim 22:** Both Veschi's and Cuddy's systems (and therefore the program storage device) detect incoming phone calls.
- h. **Claim 23:** Cuddy's system (and therefore the program storage device) comprises code to initiate the sampling of ambient noise responsive to detecting an incoming call (Col 4 line 64 to Col 5 line 15, Col 7 lines 50-65).
- i. **Claim 24:** Cuddy's device (and therefore the program storage device method) will sample ambient conditions at selected time interval t_0-t_1) (CUDDY: Col 7 lines 50-

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65). In addition, Veschi's system (and therefore the program storage device method) will sample the ambient noise level at times determined by the user through the menu system (VESCHI: Col 4 lines 23-36,50-65) regardless of an incoming phone call. In addition, both Veschi and Cuddy implement a sensing system using a DSP. In that sense the ambient conditions are sampled at selected time intervals (the sampling rate of the DSP and A/D converters) that may be prior to an incoming call.

j. **Claim 25:** Veschi's system (and therefore the program storage device method) samples ambient noise and produces a ring having a greater volume than the ambient noise (Col 3 lines 32-52).

k. **Claim 26:** Cuddy's system (and therefore the program storage device method) uses a predefined notification signal for ambient conditions (Col 5 lines 38-67) (Col 7 lines 16-65).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

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AJ

March 1, 2004



DUC NGUYEN
PRIMARY EXAMINER